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**Board Members**

**President**

Tonia McMillian

**Vice-President**

Dayle C. Armstrong, Ph.D., P.T., MS, DPT

**Members**

Karen Brandon, P.T., DSc P.T.

Katarina Eleby, M.A

Samuel Qiu

Alicia Rabena-Amen, PT, DPT

Vacant, PT, DPT

**Physical Therapy Board of California  
Adopted Meeting Minutes**

December 6-8, 2023 9:00 a.m.

California Department of Consumer  
Affairs  
2005 Evergreen St., Hearing Room  
Sacramento, CA 95815

**Board Staff**

Jason Kaiser, Executive Officer

Sarah Conley, Assistant Executive

Officer

Brooke Arneson, Specialist

Liz Constancio, Manager

Valerie Kearney, Manager

Carole Phelps, Manager

2 For the sake of clarity, agenda items discussed during the meeting follow their original  
3 order on the agenda in these minutes though some agenda items may have been taken  
4 out of order during the meeting.

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**Wednesday, December 6, 2023**

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**1. Call to Order**

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The Physical Therapy Board of California (Board) meeting was called to order  
by President Ms. McMillian at 9:00 a.m. and recessed at 3:32 p.m. on December  
6, 2023.

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**2. Roll Call and Establishment of Quorum**

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McMillian - Present  
Armstrong- Absent  
Brandon - Present  
Eleby – Present  
Qiu- Present  
Rabena-Amen - Present

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All Members were present except for Dr. Armstrong, and a quorum was  
established. Also present at the meeting were: Michael Kanotz, PTBC Legal  
Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive  
Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps,  
Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff:  
Kim Rozakis, April Beauchamps and Alicia Hernandez.

30  
31 **3. Reading of the Board's Mission Statement**  
32

33 Dr. Rabena-Amen read the Board's mission statement: To advance and protect  
34 the interests of the people of California by the effective administration of the  
35 Physical Therapy Practice Act.  
36

37 **4. Strategic Planning Session**  
38

39 The Board engaged in strategic planning to set goals in the areas of for  
40 Professional Qualifications, Regulation and Enforcement, Communication, and  
41 Organizational Relationships and Effectiveness. The finalized strategic plan will  
42 be presented in March 2024 Board Meeting for consideration of Board adoption.  
43

44 **5. Public Comment on Items Not on the Agenda**  
45

46 The Board requested public comment on items not on the agenda, and there  
47 was no public comment.  
48

49 **6. Recess**  
50

51 The meeting recessed at 3:32 p.m. on December 6, 2023.  
52

53 **Thursday, December 7, 2023**  
54

55 **7. Call to Order**  
56

57 The Physical Therapy Board of California (Board) meeting was called to order  
58 by President Ms. McMillian at 9:00 a.m. into closed session at 1:36 p.m. and  
59 recessed at 2:04 p.m. on December 7, 2023.  
60

61 **8. Roll Call and Establishment of Quorum**  
62

63 McMillian - Present  
64 Armstrong- Absent  
65 Brandon - Present

Eleby – Present  
Qiu- Present  
Rabena-Amen - Present

All Members were present except for Dr. Armstrong, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps, Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff: Kim Rozakis, April Beauchamps and Alicia Hernandez.

**9. Reading of the Board’s Mission Statement**

Dr. Brandon read the Board’s mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

**10. (A) Petition of Early Termination – Jordan Istrin, P.T.**

*After submission of the matters, the Board will convene in CLOSED SESSION to deliberate on the petitions pursuant to Government Code section 11126(c)(3)*

**11. Closed Session**

(A) Pursuant to Government Code section 11126(c)(3), the Board will convene to Deliberate on Disciplinary Actions and Decisions to be Reached in Administrative Procedure Act Proceedings

(B) Pursuant to Government Code section 11126(a)(1), the Board will convene to Consider the Evaluation of Performance of the Executive Officer

The Board entered closed session at 10:00 a.m. and reconvened into open session to break for lunch at 12:36 p.m. on December 7, 2023.

**12. Student Q&A – Unitek College Sacramento**

Students from Unitek College went before the Board and introduced themselves. Students from Unitek College asked questions, which ranged from why the Members decided to be a Board Member and how long they have served to, what are the most common types of violations the Board sees?

Mr. Kaiser thanked the students for attending the Board meeting.

103 **13. Review and Approval of September 13-14, 2023, Meeting Minutes – Kim**  
104 **Rozakis**

105  
106 Ms. Rozakis presented the draft September 13-14, 2023, meeting minutes. The  
107 Board reviewed the minutes and made grammatical and editorial changes.  
108

109 **MOTION:** Adopt the proposed September 13-14, 2023, Meeting  
110 Minutes as amended.  
111

112 **M/S:** Brandon/Rabena-Amen  
113

114 **VOTE:** McMillian - Aye  
115 Armstrong- Absent  
116 Brandon - Aye  
117 Eleby – Aye  
118 Qiu - Aye  
119 Rabena-Amen - Aye  
120 5-0 Ayes, Motion Carried

121  
122 **14. President's Report – Tonia McMillian**  
123

124 (A) 2024 Adopted Meeting Calendar

125 Mr. Kaiser stated Mr. Kanotz has been assigned as the new Legal  
126 Counsel for Board of Accountancy. As a result, the Board's March and  
127 September 2024 dates are in conflict with the Board of Accountancy.

128 Mr. Kanotz added there are a few conflicts with the dates, one being on  
129 March 21-22, 2024, in Southern California and in September 19-20 with  
130 Board of Accountancy.

131 Mr. Kaiser proposed for March Board meeting to be held on March 19-20,  
132 2024, instead of March 20-21, 2024, in Loma Linda. Additionally, for the  
133 September Board meeting Mr. Kaiser suggested to have the Board  
134 Meeting at Sacramento State University and the date be a week after  
135 California Physical Therapy Association Annual Conference, but staff will  
136 contact Sacramento State University on what dates work for them.

Ms. McMillian stated she will not be available for the June 20-21, 2024, Board meeting. Mr. Kaiser asked if it is possible to move the June 2024 Board to June 13-14, 2024, in Sacramento.

**MOTION:** March 19-20, 2024, Board Meeting at Loma Linda University, June 13-14, 2024, at Sacramento, September date TBD at Sacramento State University

**M/S:** Eleby/McMillian

**VOTE:** McMillian - Aye  
Armstrong- Absent  
Brandon - Aye  
Eleby – Aye  
Qiu - Aye  
Rabena-Amen - Aye  
5-0 Ayes, Motion Carried

(B) 2025 Proposed Meeting Calendar

Mr. Kaiser shared staff does not have any recommendations for 2025 calendar at this time.

**15. Executive Officer's Report- Jason Kaiser**

(A) **Administrative Services**

Mr. Kaiser reported to the Board there is one Board member vacancy that needs to be filled, which is a professional position previously held by Dr. Daniel Drummer. Mr. Kaiser also discussed current staffing with the Physical Therapy Board. There is a vacancy in the Administrative Services Unit, and the Consumer Protection Services Unit has filled their vacancy. Mr. Kaiser stated with current staffing, workflow is still well within acceptable limits, but is not sustainable.

(B) **Licensing Services**

Mr. Kaiser previously reported on an increase on the number of programs in the physical therapy education system, and that the Board should expect to receive an influx of applications next year.

**(C) Consumer Protection Services**

Mr. Kaiser has nothing to report for Consumer Protection Services.

Mr. Kaiser thanked CPTA for allowing the Board to attend the CPTA conference in October in Long Beach. The booth gave the Board a chance to do some outreach to licensees, students, and future applicants. Mr. Kaiser thanked staff who attended CPTA conference and Members who attended FSBPT in Florida.

Mr. Kaiser shared he is looking forward to CPTA's annual conference and webinars in 2024.

**16. Consumer and Professional Associations and Intergovernmental Relations Reports**

**(A) Federation of State Boards of Physical Therapy (FSBPT)**

Mr. Kaiser described a legislative change that eliminated the travel ban on States that had laws that were discriminatory in nature, which allowed himself and Board Members to travel to Jacksonville, Florida to attend FSBPT Annual Education Meeting. Mr. Kaiser also thanked the Department of Consumer Affairs, Board and Bureau Relations, Directory Kimberly Kirchmeyer, and the Business, Consumer Services and Housing Agency for their quick review and approval of the travel request. Additionally, Mr. Kaiser thanks Mr. Qiu and Ms. Eleby for attending the conference with him and representing the State of California.

Mr. Kaiser added he and Mr. Qiu were able to attend multiple educational sessions when it came to pressing issues like artificial intelligence and sexual misconduct violations. Mr. Kaiser shared that nearly all states sent a representative to the meeting.

Mr. Qiu added that he was honored to have the opportunity to represent the Board and the State of California. Mr. Qiu stated that being involved

207 gives him the opportunity to learn about the present issues that the  
208 industry is attempting to address.

209  
210 Ms. Eleby shared she always enjoys participating in FSBPT conferences  
211 because the topics that are discussed don't always come up at Board  
212 meetings.

213  
214 Mr. Kaiser added FSBPT is always looking for new volunteers for task  
215 forces. Mr. Kaiser may be reaching out to Board Members individually  
216 to discuss these volunteer opportunities. Additionally, Mr. Kaiser shared  
217 that he was reappointed to the FSBPT Sexual Misconduct Committee.

218  
219 **(B) Department of Consumer Affairs (DCA Executive Office)**  
220

221 Ms. Dorantes, Assistant Deputy Director of Board and Bureau Relations  
222 updated the Board on November 28, 2023, Governor Newsom  
223 appointed Tamika Moss as Secretary of the Business, Consumer  
224 Services and Housing Agency.

225  
226 Ms. Dorantes shared that on November 7, 2023, virtual training was  
227 provided for DEI dialogue for leaders to 173 DCA managers, supervisors  
228 and leaders, the training covered physiological safety and how it effects  
229 conversations as well as interactive discussions about the challenges  
230 leaders are facings.

231  
232 Ms. Dorantes stated that on December 15<sup>th</sup> DEI Steering Committee will  
233 holds its quarterly meeting. The Committee will review a draft DEI  
234 internet webpage that is currently being developed.

235  
236 Ms. Dorantes added that the latest issue of Consumer Connection  
237 magazine includes articles with information important to consumers  
238 including a feature cover story translated in four languages. The  
239 magazine is accessible through the DCA Homepage or printed copies  
240 are available.

241  
242 Ms. Dorantes shared on November 29, 2023, the military portal  
243 launched in support of servicemembers and their families relating to  
244 license portability for servicemembers or their spouses. This new DCA

online portal will allow boards and bureaus to accept online requests from military servicemembers and their spouses who currently hold a valid license in good standing in another state, district, or territory, to practice in California within the same profession or vocation if they relocated to California for military service. Additionally, this online portal will allow DCA to properly receive and track request to ensure compliance with federal and state law. DCA's military resources page and board and bureau web pages have also been updated with federal professional license portability and state registration information.

Ms. Dorantes reminded the Board that it may conduct entirely remote public meetings without noticed locations accessible to the public through December 31, 2023, as long as the public is able to participate in the meeting remotely.

Commencing on January 1, 2024, four meeting options will be available pursuant the Bagley-Keene Open Meeting Act. Option 1 is the traditional single location option, where a majority of Members are gathered at a publicly noticed and accessible location, no Members are participating remotely, and there is no requirement to permit remote public participation. Option 2 is the traditional teleconference, where Board Members are located at different publicly noticed and accessible locations and are connected telephonically or otherwise. Option 3 is a new hybrid meeting option where a majority of Board Members are gathered at one publicly noticed accessible location and additional Board Members above a majority may participate remotely from a private, non-public location; and the meeting must allow for remote public participation. Option 4 is the new advisory body teleconference option, where all Members of the advisory body can participate remotely from a private, non-public meeting site: the meeting must have at least one publicly noticed and accessible location where at least one staff member is present, and where the public can participate in the meeting; and the meeting must allow for remote public access.

Ms. Dorantes reminded Members that Supervisory Sexual Harassment Prevention and Information Security Awareness Training are due December 31, 2023. Both Trainings can be accessed on the DCA Learning Management System.



Ms. Dorantes shared the My Promise campaign is underway through December 31, 2023. DCA's co-chairs are Monica Vargas; Deputy Director of Communications and herself. Donations can be made one time starting as little as \$5 or continuous donations throughout the year to support non-profits of your choice. Additionally, the State Employee Food Drive is currently collecting any donations and runs through January 8, 2024. This drive helps families in need.

Ms. Dorantes thanked the Members for their year of service, and she is here as a resource for the Members.

Lastly, Ms. Dorantes shared they are working on tentative dates for Board Member orientation trainings for 2024. Mr. Kaiser asked if Ms. Dorantes knows when the Sacramento training will be held. Ms. Dorantes responded that it is most likely to occur in March and October and June will be in Los Angeles, but this is tentative.

**(C) California Physical Therapy Association (CPTA)**

Ms. Defoe updated the Members on the CPTA Annual Conference in Long Beach in October 2023. The conference had 440 attendees and she thanked the Board for being an exhibitor.

Ms. Defoe stated membership is going strong at 10,000 Members and growing. Ms. Defoe added CPTA has adopted a commitment to diversity equity and inclusion, which will go with their mission, vision, and goals.

Ms. Defoe added CPTA's Diversity Affairs Committee has created Challenge for Change, where it is ways for individuals, CPTA districts and Academic Institutions to look for ways to promote diversity or to gain knowledge or share knowledge to do various activities in efforts to promote diversity.

Ms. Defoe shared that CPTA hosts webinar Wednesdays, which has become very successful. As of November 2023, CPTA has hosted 30 webinar Wednesdays with an average of 51 attendees per course. CPTA has also tried in-person courses, but with lower registration.

Ms. Defoe stated that the Modernization Task Force, which was created to look at the Physical Therapy Practice Act and ensure it allows physical therapists to practice at the level of the education currently taught at academic programs. Ms. Defoe added the task force has developed some draft language and spent the year sharing with internal stakeholders. Next year, CPTA will focus on external stakeholders.

Ms. Defoe shared there will be a town hall meeting on January 25, 2024. The focus of the meeting will be the modernization of the Physical Therapy Practice Act. Ms. Defoe added March 12<sup>th</sup>, 2024, is their annual CPTA Legislative Day.

Ms. Defoe added at the recent CPTA Board meeting, the board approved moving forward with legislation that would allow physical therapists to sign off on disability placards, which would amend the California Vehicle Code.

Ms. Defoe stated CPTA is in support of AB 814, which relates to animal rehabilitation, and supports the Animal Physical Coalition to allow Physical Therapists to register with the Veterinary Board as a physical therapist under certain conditions.

Ms. Rabena-Amen asked if there is an estimated timeline for the Modernization Task Force working on the Physical Therapy Practice Act. Ms. Defoe replied that for the upcoming year, the focus will be on external stakeholders and getting feedback. CPTA would like to move forward with the legislation in the following year, but nothing is set.

## **17. Public Comment on Items Not on the Agenda**

The Board requested public comment on items not on the agenda, and there was no public comment.

## **18. Recess**

The meeting recessed for lunch at 12:36 p.m. on December 7, 2023, and went into closed session.

**Thursday, December 8, 2023**

**19. Call to Order**

The Physical Therapy Board of California (Board) meeting was called to order by President Ms. McMillian at 9:00 a.m. and adjourned at 12:18 p.m. on December 8, 2023.

**20. Roll Call and Establishment of Quorum**

McMillian – Present  
Armstrong- Absent  
Brandon – Present  
Eleby – Present  
Qiu- Present  
Rabena-Amen – Present

All Members were present with the exception of Dr. Armstrong, and a quorum was established. Also present at the meeting were: Michael Kanotz, PTBC Legal Counsel; Jason Kaiser, Executive Officer; Sarah Conley, Assistant Executive Officer; Brooke Arneson, Legislation and Regulation Manager; Carole Phelps, Enforcement Manager; Valerie Kearney, Licensing Manager; and Board staff: Kim Rozakis, April Beauchamps and Alicia Hernandez.

**21. Reading of the Board's Mission Statement**

Ms. Eleby read the Board's mission statement: To advance and protect the interests of the people of California by the effective administration of the Physical Therapy Practice Act.

**22. Legislation Report- Brooke Arneson**

**(A) 2023/23 Legislative Session Summary**

Ms. Arneson gave a synopsis of her roles and responsibilities as the Legislation & Regulation Manager for the Executive Unit.

Ms. Arneson presented to the Members that 2023 marked the first of a two-year legislative cycle which concluded on September 14th. Ms. Arneson added Governor Newsom had until October 14th to sign or veto bills. Additionally, there were 1,046 bills that reached the Governor's desk, and of those, the Governor signed 890 bills and vetoed 156 bills, which was a 14.9% veto rate. Ms. Arneson added that last year during the 2022 session, 1,166 bills reached the Governor's desk and he signed 997 and vetoed 169 for a 14.5% veto rate.

1) AB 931 (Irwin) Prior Authorization: Physical Therapy

Ms. Arneson AB 931, which the Board had a support position on, and a copy of that support letter is included in the legislative report on page 52. This bill would have prohibited a health plan or insurer from requiring prior authorization for the initial 12 physical therapy treatment visits for a new episode of care. The bill would have also required that, prior to treatment, the provider verify an enrollee's coverage and disclose the enrollee's cost sharing, maximum out-of-pocket expense per visit, and whether the provider is in-network for the enrollee. The bill was vetoed, and the Governor's veto message was the following:

"To the Members of the California State Assembly: I am returning Assembly Bill 931 without my signature. Beginning January 1, 2025, this bill would prohibit a health plan or insurer from requiring prior authorization for the initial 12 physical therapy treatment visits for a new episode of care. The bill would also require that, prior to treatment, the provider verify an enrollee's coverage and disclose the enrollee's cost sharing, maximum out-of-pocket expense per visit, and whether the provider is in-network for the enrollee. I appreciate the author's intent to increase access to physical therapy treatment. However, prior authorization, when applied appropriately, can be an important tool to contain health care costs, protect patients from unanticipated billing, and ensure medically necessary care. Further, existing law requires health plans to provide appointments within a timely access minimum standard, even when prior authorization is required. For these reasons, I cannot sign this bill."

437 2) AB 1163 (Luz Rivas) State Forms: Lesbian, Gay, Bisexual and  
438 Transgender Disparities Reduction Act  
439

440 This bill was chaptered on October 13, 2023, and will take effect on  
441 January 1, 2024. This bill expands the data collection obligations  
442 of the Lesbian, Gay, Bisexual, and Transgender Disparities  
443 Reduction Act.

444  
445 3) SB 14 (Grove, Caballero, and Rubio) Violent Felonies: Serious  
446 Felonies: Human Trafficking  
447

448 This bill was chaptered on September 25, 2023, and will take effect  
449 on January 1, 2024. This bill designates human trafficking of a  
450 minor for purposes of commercial sex act as a "serious felony".  
451

452 4) SB 143 (committee on Budget & Fiscal Review): State Government  
453

454 This bill is a trailer bill and if chaptered will be immediately and  
455 chaptered on September 13, 2023. The Bagley-Keene Open  
456 Meeting Act requires, with specified expectations, that all meetings  
457 of a state body be open and public, and all persons be permitted to  
458 attend any meeting of a state body. The act authorizes meetings  
459 through teleconference under specified conditions, including,  
460 among others, that each teleconference location be accessible to  
461 the public and that at least one member of the state body be  
462 physically present at the location specified in the notice of the  
463 meeting. Prior to July 1, 2023, current law authorized, subject to  
464 specified notice and accessibility requirements, including the  
465 requirements referenced above. This bill, until December 31, 2023,  
466 would reinstate the above-described authorization for a state body  
467 to hold public meetings through teleconferencing utilizing online  
468 platforms such as Webex, etc.  
469

470 5) SB 372 (Menjivar) DCA: Licensee and Registrant Records: Name  
471 and Gender Changes  
472

473 This bill was chaptered on September 23, 2023, and requires  
474 licensing entities within DCA to update license records if that  
475 licensing entity receives government-issued documentation  
476 demonstrating a legal change of name or gender, as specified. This  
477 bill also allows licensees to request for their prior name be removed  
478 from online license verification systems operated by the licensing  
479 entities and establishes a process for individuals to access a  
480 licensee's enforcement records under the prior name.

481  
482 Dr. Rabena-Amen asked how this bill might affect prior discipline.  
483 Mr. Kaiser responded this bill would remove any dead naming  
484 situation, where if there is a transition of some kind, there is still a  
485 link that can be kept with history where we can go back into the  
486 history.

487  
488 Dr. Rabena-Amen asked what would occur following a name  
489 change. Mr. Kaiser responded the name history will be trackable,  
490 but only upon request and will not be part of Department of  
491 Consumer Affairs search identity. Mr. Kaiser added the discipline  
492 history would be part of the history, but the name change would not  
493 be and only would be available upon request.

494  
495 6) SB 525 (Durazo) Minimum Wage: Health Care Workers

496 This bill was chaptered on October 13, 2023, and will establish  
497 separate minimum wage schedules for covered health care  
498 employees depending on the nature of the employer.

499  
500 7) SB 544 (Laird) Bagley-Keene Open Meeting Act: Teleconferencing

501 This bill was chaptered on September 22, 2023. Specifically, this  
502 bill preserves existing Bagley-Keene teleconference law as is with  
503 no changes—Members can attend meetings from multiple  
504 different teleconference sites, connected electronically via audio  
505 or audio and video, and the public must be allowed to personally  
506 attend each teleconference site where a member is located.

507  
508 This bill adds a new, but not exclusive, teleconference option in

Government Code Section 11123.2 that requires a majority of the Members of the state body to be at one physical, publicly accessible, location, and allows additional Members above a majority to participate in the meeting from non-public sites remote sites, so long as the public can also participate in the meeting both remotely and from publicly-accessible sites. A remote location is not required to be accessible to the public. The notice and agenda shall not disclose information regarding a remote location. If a member of the state body attends the meeting by teleconference from a remote location, the member shall disclose whether any other individuals 18 years of age or older are present in the room at the remote location with the member and the general nature of the Members relationship with any such individuals. In addition, the Members of the state body shall visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform. This bill also requires that upon discovering that a means of remote public access and participation required has failed during a meeting and cannot be restored, the state body shall end or adjourn the meeting. This bill would permit a person to submit a pseudonym or other anonymous information when using the internet website or other online platform to attend the meeting via an exemption from current law where an internet website or other online platform may require the submission of information to log into a teleconferenced meeting.

Additionally, it creates a new meeting method for advisory bodies to allow all Members of to participate remotely in meetings from private non-public locations, as long as there's one physical location with at least one staff member where the public can attend, and the public can also access the meeting remotely.

#### 8) SB 816 (Roth) Professions and Vocations

This bill was chaptered on October 10, 2023. This bill is the Business and Professions omnibus bill. Current law, effective until January 1, 2025, sets forth an approval process for a vocational

nursing school or program and authorizes the Board of Vocational Nursing and Psychiatric Technicians to reduce the continuing approval fees, by no more than 1/2 of the established fee, for a program that experiences a reduction in state funding that directly leads to a reduction in enrollment capacity. Current law, the Psychiatric Technicians Law, also grants the board authority to license and regulate psychiatric technicians. That law, effective until January 1, 2025, similarly establishes an approval process for a school or program for psychiatric technicians and authorizes the board to reduce the continuing approval fees, by no more than 1/2 of the established fee, for a program that experiences a reduction in state funding that directly leads to a reduction in enrollment capacity. This bill would instead authorize the board to reduce the continuing approval fees in the above-described circumstances for a program that experiences a reduction in enrollment capacity that directly leads to a reduction in state funding. This bill would revise related provisions to require the board to require a program to provide documentation for purposes of issuing the fee reduction.

Mr. Kaiser added the Board was very active this legislative session and the Board issued a few support letters. Mr. Kaiser mentioned that the Board issued a support letter for AB 931, which made it to the Governor, but was vetoed. Mr. Kaiser stated he does not want the veto of AB 931 to discourage the Board from being expressive early in the legislature session. The legislature encourages the Board to provide input as early as possible in the session.

Dr. Brandon asked who was in opposition of AB 931. Ms. Arneson responded that the Association of California Life, health insurance companies, California Association of health plans and America's health insurance plans and Department of Finance were all in opposition.

Dr. Rabena-Amen said she would like to encourage the Board to support and send a letter of support for a bill like AB 931.

## **23. Rulemaking Report- Brooke Arneson**



- (A) 2023 Rulemaking Update for Pending or Proposed Regulations  
1) Update Regarding the Development of Possible Amendments to the Board's Continuing Competency Regulations

Dr. Rabena-Amen asked when the Board adopts a Rulemaking Calendar, what is the timeframe for getting the language started. Mr. Kanotz responded the Rulemaking Calendar is a feature of the Administrative Procedure Act and the legislative intent is to give the public notice of what all state agencies are considering in terms of the regulatory actions for the next year. Mr. Kanotz added they are filed by every state entity, but the document and rulemaking calendar does not impose any actual limitations or requirements on the Board or any state entity to adopt the regulations included in the calendar over the course of that year.

**24. Discussion and Possible Board Action on the 2024 Rulemaking Calendar- Brooke Arneson**

Dr. Rabena-Amen asked when staff brings language forward for Schedule A, will that include stakeholder feedback. Mr. Kaiser responded the is that Schedule A are new regulations that are being proposed because of new legislation that has passed within that year whereas Schedule B is based on current legislation.

Dr. Rabena-Amen asked about obtaining stakeholder feedback prior to submitting proposed language to the Board. Mr. Kaiser responded getting stakeholder feedback may be difficult until language has been introduced. Mr. Kaiser added that the Board highly encourages the public and stakeholder's groups to participate in the regulatory process.

**MOTION:** To adopt the 2024 Rulemaking calendar as required by Government Code (GC) § 11017.6.

**M/S:** Rabena-Amen/Brandon

**VOTE:** McMillian - Aye  
Armstrong- Absent  
Brandon - Aye  
Eleby – Aye

Qiu - Aye  
Rabena-Amen - Aye  
5-0 Ayes, Motion Carried

**25. Communication & Education Update – April Beauchamps**

**(A) Outreach**

Ms. Beauchamps gave a synopsis of her roles and responsibilities as the Communication & Education Liaison for the Executive Unit.

Ms. Beauchamps presented to the Members the outreach report. Ms. Beauchamps reported PTBC provided 8 virtual and in-person Outreach workshops to 7 PT and PTA programs for the first quarter of the state fiscal year. Ms. Beauchamps added that on September 6, 2023, the Board attended the Education Credentialing and Credentialing and Resource Fair at Fort Irwin in San Bernardino, and on October 7, 2023, the Board attended California Physical Therapy Association's annual conference in Long Beach.

Ms. Eleby asked Ms. Beauchamps what the workforce succession plan is. Ms. Beauchamps answered it relates to staff who work for the Board that are close to retiring and cross training along with planning to ensure the Board stays staffed.

Dr. Brandon asked how the Board chooses school outreach visits and what the goal is. Ms. Beauchamps answered she reaches out to all the schools. Ms. Beauchamps added currently there are 42 Commission on Accreditation in Physical Therapy Education (CAPTE) accredited, the Board has been to 41 of the CAPTE accredited schools this quarter.

Dr. Brandon asked what the goal is for the outreach visits. Ms. Beauchamps responded to educate the students on the application process and laws and regulations relating to physical therapy, and to answer questions any students may have. Dr. Brandon asked if there could be some attention on the non-accredited schools where the pass rate is lower on the California Law Examination. Ms. Beauchamps responded the Board does visit the schools that are up for

661 accreditation that can be seen on CAPTE's website. Mr. Kaiser added  
662 that non-accredited schools pass rate for examinations are specific for  
663 foreign trained applicants coming in from the outside of the United  
664 States or Canada and if the Board was to travel to all those schools the  
665 travel expense would be large. Additionally, Mr. Kaiser added the goal  
666 is to have one presentation to every graduating cohort for California  
667 school. Mr. Kaiser stated that will be hard to do and there is no  
668 mandate in the CAPTE accreditation for educational programs in the  
669 state to provide any kind of outreach that pertains to the application  
670 process within the state.

671  
672 Dr. Rabena-Amen asked Ms. Beauchamps how she decides on  
673 whether the school will have an in-person or virtual presentation. Ms.  
674 Beauchamps answered it depends on the Program Director and the  
675 Board's schedule. Mr. Kaiser added it depends on what the school is  
676 requesting and what the Boards resources and availability at the time.  
677 Additionally, Mr. Kaiser added there are online delivery methods but  
678 there is no replacement for in-person presentation. Dr. Rabena-Amen  
679 added that Outreach presentations are valuable for students because  
680 they get their questions answered, the clarity of the process of  
681 applications is enhanced, and they learn about the Board and what the  
682 Board does.

683  
684 Dr. Rabena-Amen asked how the Board access the effectiveness of  
685 the Board's social media campaign. Ms. Beauchamps responded that  
686 she assesses it by the number of views, for example she posted a Tik  
687 Tok yesterday and today the video has over 700 views.

688  
689 Dr. Rabena-Amen asked what the goal of the Board's social media  
690 campaign is. Ms. Beauchamps responded that the goal is to reach  
691 stakeholders with information. Mr. Kaiser added the goal is to  
692 capitalize on the free advertising nature of social media and providing  
693 any content we can provide that can be beneficial to both the applicant  
694 and consumer. Mr. Kaiser added the goal is to utilize word of mouth  
695 and to get as much information out to as many people as possible.  
696

697 Dr. Rabena-Amen asked about the opportunity to do more the Board's  
698 Interested Parties Mailing List. Mr. Kaiser responded that the list is  
699 used for all formal communications the Board issues.

700  
701 Dr. Rabena-Amen thanked Ms. Beauchamps for all the work she has  
702 done for the Board.

703  
704 Ms. McMillian asked is there a way to track how many times QR codes  
705 are used. Mr. Kaiser responded that it is possible, but there needs to  
706 be a determination of its necessity and the resources available for that  
707 endeavor.

708 **26. Administrative Service Update- Alicia Hernandez, Julie Thao, Timothy**  
709 **Davis, Vincent Azar**

- 710  
711 (A) Staff Introductions  
712 (B) Program Updates  
713 (C) Budget Report

714 Ms. Hernandez, Administrative Services Lead Analyst, introduced the  
715 administrative staff, and each staff member provided a presentation of their  
716 roles and responsibilities within the Administrative Services Unit.

717  
718 Ms. Hernandez presented the Administrative Services Unit update. Ms.  
719 Hernandez added that the new fiscal year began on July 1, 2023, and during  
720 the first quarter the unit has been working with the budget office on building its  
721 2023/2024 budget to include the changes in duties related to the reorganization  
722 that created the Executive Unit. Ms. Hernandez stated they have started the  
723 annual review of equipment and will be replacing and consolidating equipment  
724 to enhance productivity or save costs, along with working with other unit  
725 managers on filling vacancies. Lastly, Ms. Hernandez thanked Ms. Her for her  
726 service with Physical Therapy Board and wishes her all the best in her future  
727 endeavors.

728  
729 Ms. Hernandez presented the budget report. Ms. Hernandez added PTBC's  
730 budget and revenue are in alignment.

731

Mr. Qiu asked why on Q1 the pro-rata shows 50%. Mr. Kaiser answered through the process called Galley, when the Governor decides the state budget in its entirety, that process includes all the individual budgets for state agencies. The Board is given that final number of what the expectation of our budget is going to be and then internally we categorize and split up those monies with the exception of the pro-rata. Mr. Kaiser added that the Q4 is unique as the state shuts down its books to close out the fiscal year, and there is often a rebound effect in Q1 as a result.

Dr. Rabena-Amen asked whether there should be an expectation where Q4 will be at zero or close to Zero. Mr. Kaiser responded that we might get close to zero, but we typically plan to under expend our budget, but there are unforeseen expenses that can come up.

Mr. Qiu asked why the collection of licensing renewal fees is higher than prior years. Mr. Kaiser responded the quarter is affected by different factors, one is that our license population is growing and that our licensed renewals expirations are based on the birth year and month of the person who applied.

Mr. Qiu asked how the Board ensures there is sufficient segregation duties on the financial side. Mr. Kaiser responded that, for example, in the Administrative Services Unit there are measures and separation of duties on who can make an order and who can approve the invoice and who can issue the check for the payment of that invoice. These procedures are dictated by the State Administrative Manual (SAM) for the State of California. Additionally, Mr. Kaiser added the Board is subject to state audits.

Ms. Eleby asked how many months in reserve does the board have currently. Ms. Hernandez responded that the reserve is 7 months. Mr. Kaiser added he would like 10 to 12 months in reserve for unexpected expenditures.

Dr. Rabena-Amen asked what does statutory exempt mean. Mr. Kaiser answered it is his position, he is exempt from Civil service protections and bargaining agreements.

**27. Licensing Services Update- Valerie Kearney, Justin Silva, Teresa Gutierrez, Monet Dyson**

(A) Staff Introductions

- 769 (B) Program Updates
- 770 (C) Statistical Reports

771 Ms. Kearney, Licensing Services Manager, introduced the Licensing Services  
772 Unit staff, and each staff member provided a presentation of their roles and  
773 responsibilities within the Licensing Services Unit.

774  
775 Ms. Gutierrez shared that the Board has been actively accepting the  
776 Performance Evaluation Tool (PET) since September 2020. Since September  
777 2020 35% were under the PET and in the last month 50% received were under  
778 the PET.

779  
780 Ms. Kearney shared the Board is currently recruiting for 2 Staff Services Analyst  
781 positions. Ms. Kearney thanked Mr. Row on overseeing new physical therapy  
782 assistant graduate applications for the past year and a half.

783  
784 Dr. Rabena-Amen asked if Mr. Row is doing physical therapy assistant and  
785 military applications. Ms. Kearney responded yes and explained that Mr. Row's  
786 duties are endorsement applications, both physical therapy and physical  
787 therapy assistant, military active duty, honorably discharged and military spouse  
788 applications. Additionally, Mr. Row issues, and maintains those licenses. Ms.  
789 Kearney added that since March of 2022 she has needed assistance on  
790 Physical Therapy Assistance new grads, and Mr. Row has done a great job.

791  
792 Ms. Kearney presented the Licensing Services Statistical Report, which can be  
793 found on the materials.

794  
795 Dr. Rabena-Amen asked if the total application processing times in the first table  
796 on the report, is that a total of all the different types of applications. Ms. Kearney  
797 responded that it is the processing time for all applications. Dr. Rabena-Amen  
798 asked how is that time measured, for example, for the CAPTE application, when  
799 does the clock start and stop? Ms. Kearney responded it starts when the  
800 application is paid for and stops when the candidate is either licensed or denied.  
801 Mr. Kaiser added that it is difficult to break down the time, and that the  
802 Department of Consumer Affairs has been struggling with this because boards  
803 and bureaus have different models and different requirements.

804  
805 Dr. Rabena-Amen asked about continuing competency audit pass rates. The  
806 Physical Therapy Assistance (PTA) pass rate is 30% lower than the Physical  
807 Therapy (PT) pass rate. Would there be an opportunity for outreach regarding  
808 continuing competency to PTAs? Mr. Kaiser responded those numbers have  
809 always had a disparity between PT and PTAs, it can be due in part to the use of  
810 practitioners during that period and how many stepped away during the middle

811 of the pandemic. Mr. Kaiser also added that it may be anomalous due to a very  
812 small pass rate. Ms. Conley added this is due to the limitation the Board has  
813 right now is the Continuing Competency Unit being down 1 position. With the  
814 vacancy the Board had to reduce the sample rate, which showed a slight change  
815 in the number of failures. Dr. Rabena-Amen asked if the Board was fully staff  
816 how many would be audited. Ms. Conley responded the last quarter was 30 for  
817 PTA's, and but the sample was reduced due to vacancy.  
818  
819

820 **28. Consumer Protection Services Update- Carole Phelps, Cristy Livramento,**  
821 **David Laxton, Francisco Solis, Angel Ottley**  
822

- 823 (A) Staff introductions
- 824 (B) Program Updates
- 825 (C) Statistical Reports

826 Ms. Phelps, Consumer Protection Services Manager introduced the Consumer  
827 Protection Services Unit (CPS) staff, and each staff member provided a  
828 presentation of their roles and responsibilities within the CPS Unit.  
829

830 Ms. Phelps stated that the unit filled one of its vacant positions on July 1, 2023,  
831 with Ms. Ottley, and on November 15, 2023, CPS filled the other vacant position  
832 with Mr. Solis. Ms. Phelps thanked CPS staff for all their patience, flexibility,  
833 and support in carrying the additional workload for the last year.  
834

835 Ms. Phelps added that working with Ms. Beauchamps and Mr. Azar, CPS has  
836 successfully updated the Board's website where they can provide consumer  
837 protection-related resources and information on the consumers page and the  
838 new enforcement page.  
839

840 Ms. Phelps presented the CPS statistics report on Performance Measure 1,  
841 which shows that the number of complaints received this quarter has increased  
842 by 34% from last fiscal year with a total of 160 complaints received which is  
843 comparable to pre-pandemic statistics. Ms. Phelps stated Performance  
844 Measure 3 shows the average case in days that were closed without referral to  
845 the Attorney's General's Office for formal discipline, and that the average for  
846 those were 122 days, a decrease of 27% in comparison to last fiscal year. Ms.  
847 Phelps stated Performance Measure 4 reflects the average number of days to  
848 complete investigations and enforcement actions for complaints that are  
849 transmitted to the Attorney General's Office for formal discipline. The case  
850 aging average for this performance measure of 552 days is lower compared to  
851 last fiscal year and is just over the target of 540 days.

852  
853 Ms. Phelps reported there are currently 403 open complaint investigation cases  
854 currently being investigated by 6 analysts. Ms. Phelps added that 7 of those  
855 cases were opened in 2019, 6 were opened in 2020, 24 were opened in 2021,  
856 84 were opened in 2022, and 279 were opened in 2023.

857  
858 Ms. Phelps provided a summary of all disciplinary actions taken by the Board  
859 in the first quarter. There were 3 licensees who entered into a stipulated  
860 agreement to surrender their license, 2 licenses were revoked, and 1 licensee  
861 was placed on probation.  
862

863 **29. Probation Monitoring Services Update- Monny Martin**

864 (A) Staff Introductions

865 (B) Program Updates

866 (C) Statistical Reports  
867

868 Mr. Martin gave a synopsis of his roles and responsibilities as the probation  
869 monitor for the Consumer Protection Services Unit and presented the  
870 Probation Statistics Report. Mr. Martin reported that for the first quarter of FY  
871 2023-24, there was an increase from the last quarter of a total of 77 licenses on  
872 probation for various causes. Same quarter last year, there were 75 licensees  
873 on probation. Mr. Martin added besides the 59 licensees that are not tolling  
874 and are working in the state, 9 enrolled in substance abuse rehab program  
875 equal about 15% of licensees that are working in the State, 1 licensee enrolled  
876 in the quarter and 0 licensee completed the program in that quarter.  
877

878 Mr. Martin added there were 0 instances of major non-compliance with  
879 probation in the quarter, but there were 4 instances of minor violations which  
880 were handled by sending warning letters to the offending licensees.  
881 Additionally, there was 1 licensee who entered probation compared to the  
882 same quarter last fiscal year where 4 licensees began probation.  
883

884 Mr. Martin added that 1 licensee was terminated for Non-compliance with the  
885 Substance Abuse Rehabilitation Program.  
886

887 Ms. Eleby asked what it looks like when someone's probation ends. Mr. Martin  
888 responds if the probation ends, during the quarterly interview, Mr. Martin will  
889 let the probationer know what this is the last interview and what the next  
890 process is. Mr. Martin added if the probationer finishes in the middle of the



quarter, he will tell them to send him their paperwork and the minimum hours to count for probation for the month. Mr. Martin will update BreEZe or create a new order so people can see probation is completed. Additionally, a copy is sent to the probationer via mail of successful completion of probation.

Dr. Brandon asked what the challenges are of being a probation monitor. Mr. Martin responded that prior to COVID, he would travel to meet probationers. For probationers who are not easily accessible in remote areas, he would see them twice a year; but the probationers that are easier to access he would see every quarter.

Dr. Rabena-Amen asked what some of the reasons are for in-state tolling. Mr. Martin responded in-state tolling is mostly unemployment. These situations can range from people who are unable to meet requirements due to being in a rural area with few opportunities, to people who are working and are unable to meet the requirements for health reasons.

### **30. Board Member Elections**

#### **(A) President**

##### **NOMINATION:**

Ms. Eleby nominated Ms. McMillian as Board President

##### **NOMINEE:**

Ms. McMillian

##### **MOTION:**

To elect Ms. McMillian as Board President.

##### **M/S:**

Eleby/Rabena-Amen  
Ms. McMillian accepted the nomination.

##### **VOTE:**

McMillian - Aye  
Armstrong- Absent  
Brandon - Aye  
Eleby – Aye  
Qiu - Aye  
Rabena-Amen - Aye  
5-0 Ayes, Motion Carried



Eleby – Aye  
Qiu - Aye  
Rabena-Amen - Aye  
5-0 Ayes, Motion Carried

(D) **FSBPT Alternate Delegate**

**NOMINATION:** Ms. Eleby nominated Dr. Brandon  
as FSBPT Alternate Delegate

**NOMINEE:** Dr. Rabena-Amen/Dr. Brandon

**MOTION:** To elect Dr. Brandon as FSBPT  
Alternate Delegate

**M/S:** Eleby/McMillian  
Dr. Brandon accepted the  
nomination.

**VOTE:** McMillian - Aye  
Armstrong- Absent  
Brandon - Aye  
Eleby – Aye  
Qiu - Aye  
Rabena-Amen - Aye  
5-0 Ayes, Motion Carried

(E) **FSBPT Back-Up Delegate**

The Board established back-up alternate delegates in alphabetical order  
by the last name of each Board member.

**NOMINATION:** Alphabetical order by last name of  
the remaining Board Members

**NOMINEE:** Alphabetical order by last name of  
remaining Board Members

